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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,190	09/12/2000	Thelma G. Manning	95-18A2	9011

7590 01/30/2003

Robert Charles Beam
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EXAMINER

MILLER, EDWARD A

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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Commissioner of Patents and Trademarks

See next page.

Art Unit: 3641

1. The reply filed on 1/16/03 is not fully responsive to the prior Office Action for the following reasons:

First, there is no declaration, as was required. Such a declaration is required in the first place, to obtain a serial number. Since the conditions for a serial number being granted have not been complied with, including 37 CFR 1.63(e), this application is not in proper form for examination. This differs from the situation of a change of inventorship, e.g., due to amendment of the claims or canceling a non-elected invention, where delay might be reasonable. A proper declaration must be filed to avoid a holding of abandonment.

Second, applicants have not presented a proper explanation of the basis for the amended language, as required. In the current response, applicants have made only vague comments on the required basis, as set forth in Paper No. 10, pages 3-5, paragraph 1(c). Applicants' one paragraph discussion in the reply does not comply with the requirement. This does not constitute a complete and proper reply, as the condition of the case requires. Note 37 CFR 1.135(b):

§ 1.135 Abandonment for failure to reply within time period.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

Third, although this detail per se would not result in this instant holding of the reply being again non-response, note that the amendment as submitted fails to comply with 37 CFR

1.52(b)(2)(i), e.g., that amendments must have lines that are 1½ or double spaced.

2. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

Art Unit: 3641

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

3. Any inquiry concerning either this or an earlier communication from the Examiner should be directed to Examiner Edward A. Miller at (703) 306-4163. Examiner Miller may normally be reached Monday-Thursday, from 10 AM to 7 PM.

If attempts to reach Examiner Miller by telephone are unsuccessful, his supervisor Mr. Carone can be reached at (703) 306-4198. The Group fax number is (703) 305-7687.

If there is no answer, or for any inquiry of a general nature or relating to the application status, please call the Group receptionist at (703) 308-1113.

Miller/em
January 28, 2003



EDWARD A. MILLER
PRIMARY EXAMINER